

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0403.01 Kristen Forrestal x4217

SENATE BILL 24-087

SENATE SPONSORSHIP

Mullica and Will, Bridges, Coleman, Cutter, Fields, Gardner, Hansen, Jaquez Lewis, Kirkmeyer, Kolker, Liston, Lundeen, Marchman, Michaelson Jenet, Priola, Rich, Rodriguez, Smallwood, Van Winkle, Winter F.

HOUSE SPONSORSHIP

Daugherty and Bradfield,

Senate Committees
Health & Human Services

House Committees
Health & Human Services

A BILL FOR AN ACT

101 **CONCERNING THE PROVISION OF A FACILITY-PROVIDED TOPICAL**
102 **MEDICATION TO A PATIENT FOR THE CONTINUITY OF THE**
103 **PATIENT'S TREATMENT AFTER A SURGICAL PROCEDURE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill allows a health-care provider and a health facility to provide a patient with certain topical medications for the patient's continuity of treatment after discharge from or leaving the health facility, if the medications were used at the health facility by the patient for a surgical procedure or for a visit to a physician's office or medical practice.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
3rd Reading Unamended
February 15, 2024

SENATE
Amended 2nd Reading
February 12, 2024

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 12-30-123 as
3 follows:

4 **12-30-123. Health-care providers - on-site administered**
5 **topical medication - use for continued treatment - definition.** (1) AS
6 USED IN THIS SECTION, "FACILITY-PROVIDED MEDICATION" OR
7 "MEDICATION" MEANS A TOPICAL MEDICATION THAT A HEALTH-CARE
8 PROVIDER OR MEDICAL OFFICE HAS ON HAND OR THAT IS RETRIEVED FROM
9 A DISPENSING SYSTEM FOR A SPECIFIED PATIENT FOR USE DURING A
10 SURGICAL PROCEDURE OR A VISIT TO A HEALTH-CARE PROVIDER.

11 (2) (a) A HEALTH-CARE PROVIDER MAY OFFER ANY UNUSED
12 PORTION OF A FACILITY-PROVIDED MEDICATION TO A PATIENT UPON THE
13 PATIENT'S DISCHARGE FROM A HEALTH FACILITY IF THE MEDICATION IS
14 REQUIRED FOR CONTINUED TREATMENT, THE MEDICATION DOES NOT
15 CONTAIN A CONTROLLED SUBSTANCE, AND THE MEDICATION WAS
16 ADMINISTERED TO THE PATIENT DURING THE PATIENT'S VISIT TO THE
17 HEALTH-CARE PROVIDER. THE HEALTH-CARE PROVIDER SHALL DOCUMENT
18 WITHIN THE PATIENT'S MEDICAL RECORD THAT THE PATIENT MUST
19 CONTINUE THE MEDICATION AT HOME, INCLUDING THE PATIENT'S DOSAGE
20 AND DIRECTIONS FOR USE.

21 (b) A HEALTH-CARE PROVIDER SHALL LABEL A FACILITY-PROVIDED
22 MEDICATION AS REQUIRED PURSUANT TO ARTICLE 280 OF THIS TITLE 12.

23 (3) IF A FACILITY-PROVIDED MEDICATION IS USED FOR A PATIENT
24 DURING A VISIT TO A HEALTH-CARE PROVIDER AND THE
25 FACILITY-PROVIDED MEDICATION IS PROVIDED TO THE PATIENT FOR
26 CONTINUITY OF TREATMENT, THE HEALTH-CARE PROVIDER IS RESPONSIBLE

1 FOR COUNSELING THE PATIENT ON THE PROPER USE OF THE MEDICATION,
2 AND A PHARMACIST'S REQUIREMENT TO COUNSEL THE PATIENT
3 CONCERNING THE MEDICATION PURSUANT TO SECTION 12-280-138 IS
4 WAIVED.

5 SECTION 2. In Colorado Revised Statutes, add 25-1-138 as
6 follows:

7 25-1-138. Health facilities - [redacted] on-site administered topical
8 medication - use for continued treatment - definitions. (1) AS USED IN
9 THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

10 (a) "FACILITY-PROVIDED MEDICATION" OR "MEDICATION" MEANS
11 A TOPICAL MEDICATION THAT A HEALTH FACILITY HAS ON HAND OR IS
12 RETRIEVED FROM A DISPENSING SYSTEM FOR A SPECIFIED PATIENT FOR USE
13 DURING A SURGICAL PROCEDURE OR A VISIT TO A HEALTH FACILITY.

14 (b) "HEALTH FACILITY" MEANS A HOSPITAL LICENSED PURSUANT
15 TO SECTION 25-1.5-103 AND AN AMBULATORY SURGICAL CENTER
16 LICENSED PURSUANT TO ARTICLE 3 OF THIS TITLE 25.

17 (2) (a) A HEALTH FACILITY OR HOSPITAL PHARMACY MAY OFFER
18 ANY UNUSED PORTION OF A FACILITY-PROVIDED MEDICATION TO A
19 PATIENT UPON THE PATIENT'S DISCHARGE FROM THE HEALTH FACILITY IF
20 THE MEDICATION IS REQUIRED FOR CONTINUED TREATMENT, THE
21 MEDICATION DOES NOT CONTAIN A CONTROLLED SUBSTANCE, AND THE
22 MEDICATION WAS ADMINISTERED TO THE PATIENT DURING THE PATIENT'S
23 VISIT TO THE HEALTH FACILITY. A HEALTH FACILITY SHALL DOCUMENT
24 WITHIN THE PATIENT'S MEDICAL RECORD THAT THE PATIENT MUST
25 CONTINUE THE MEDICATION AT HOME, INCLUDING THE PATIENT'S DOSAGE
26 AND DIRECTIONS FOR USE.

27 [redacted]

1 (b) A HEALTH FACILITY OR HOSPITAL PHARMACY SHALL:

2 (I) LABEL A FACILITY-PROVIDED MEDICATION WITH, AT A
3 MINIMUM, THE FACILITY NAME, THE PRESCRIBING HEALTH-CARE
4 PROVIDER'S NAME, THE PATIENT'S NAME, THE DRUG IDENTIFICATION, AND
5 THE DIRECTIONS FOR USE IF THE INSTRUCTIONS ARE NOT PROVIDED TO THE
6 PATIENT AT THE TIME OF DISCHARGE FROM THE FACILITY; OR

7 (II) IF THE FACILITY-PROVIDED MEDICATION'S CONTAINER
8 INCLUDES ONLY THE NAME AND STRENGTH OF THE MEDICATION, INCLUDE
9 THE FACILITY NAME, THE PRESCRIBING HEALTH-CARE PROVIDER'S NAME,
10 THE PATIENT'S NAME, AND THE DIRECTIONS FOR USE WITH EDUCATION
11 MATERIALS PROVIDED TO THE PATIENT AT THE TIME OF DISCHARGE FROM
12 THE FACILITY.

13 (3) IF A FACILITY-PROVIDED MEDICATION IS USED FOR A PATIENT
14 IN AN OPERATING ROOM OR EMERGENCY DEPARTMENT SETTING OR FOR A
15 VISIT TO A HEALTH FACILITY AND THE FACILITY-PROVIDED MEDICATION IS
16 PROVIDED TO THE PATIENT FOR CONTINUITY OF TREATMENT, THE HEALTH
17 FACILITY OR HOSPITAL PHARMACY, WHICHEVER PROVIDES THE
18 MEDICATION, IS RESPONSIBLE FOR COUNSELING THE PATIENT ON THE
19 PROPER USE OF THE MEDICATION, AND A PHARMACIST'S REQUIREMENT TO
20 COUNSEL THE PATIENT CONCERNING THE MEDICATION PURSUANT TO
21 SECTION 12-280-138 IS WAIVED.

22 **SECTION 3. Safety clause.** The general assembly finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, or safety or for appropriations for
25 the support and maintenance of the departments of the state and state
26 institutions.